

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Veroblue Farms USA, Inc.,

Plaintiff,

—v—

Leslie A. Wulf, *et al.*,

Defendants.

JAN 16 2020

19-mc-375 (AJN)

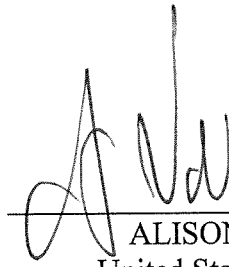
ORDER

ALISON J. NATHAN, District Judge:

Veroblue Farms initiated this case as a motion to compel compliance with a subpoena. The subject of the subpoena, Canaccord Genuity, LLC, was not, at the time, a party to the underlying action, which is currently pending in the Northern District of Texas. In its opposition to the motion, Canaccord stated a preference for this dispute to be adjudicated by the Texas court, stating “[t]here are obvious efficiencies to having the Texas court resolve the issues raised by the Motion to Compel.” Memorandum in Opposition, Dkt. No. 11, at 11. After Canaccord was added as a party in the underlying action, it continued to argue that the Texas court, and not this Court, should decide the issues raised in the motion to compel, especially since Veroblue Farms could now attempt to seek production of the same materials through the normal party discovery process. Dkt. No. 20. According to Federal Rule of Civil Procedure 45(f), “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents.” Canaccord is hereby ordered to clarify, within seven days of the date of this Order, whether it gives its consent to transfer pursuant to Rule 45(f).

SO ORDERED.

Dated: January 15, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge